



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/593,786	06/14/2000	Ivan Henri Robert Darius	10121:16	7757

7590

08/05/2003

Slater & Matsil LLP
17950 Preston Rd
Suite 1000
Dallas, TX 75252-5793

EXAMINER

SHIH, SALLY

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 08/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/593,786

Applicant(s)

DARIUS ET AL.

Examiner

Sally Shih

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. This communication is response to Applicant's amendment filed on May 14, 2002. The rejections are as stated below:

Status of Claims

2. Of the original claims 1-6, none of them has been amended. Therefore, claims 1-6 are under prosecution in this application.

Summary of this Office Action

3. Applicant's arguments with respect to claim 1-6 have been considered but are moot in view of the new ground(s) of rejection.

Response to Applicant's Amendment

4. The amended title has been accepted and entered into the record. Additionally, the amended drawings have been accepted. The Examiner apologized with regard to the ZIP code requirement which was met in the original Declaration.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who

Art Unit: 3624

has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1, 4 and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Lebda et al. (United States Patent Number 6,385,594 B1).

Claim 1: A method operative on a web server to facilitate a web-based information exchange between a broker and a set of wholesale lenders, comprising:

Exposing to the broker a set of one or more generic mortgage lender profiles (Abstract and Fig. 7);

Responsive to entry by the broker of given data, applying a given generic mortgage lender profile to the data to identify a set of one or more specific wholesale lenders who meet criteria specified in the given data (Abstract and Fig. 8);

Responsive to selection by the broker of one of the specific wholesale lenders, exposing to the broker a specific mortgage lender profile instantiated with a set of unique lender characteristics for use by the broker in completing a mortgage transaction (Abstract, Fig. 12 and column 5, lines 26-33).

Art Unit: 3624

Claim 4: The method as described in Claim 1 wherein the set of unique lender characteristics includes a lock sheet (Abstract, Fig. 9A-11 and column 6, lines 37-49).

Claim 6: The method as described in Claim 1 further including the step of having the broker locked a loan online (Abstract, and Fig. 12).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2, 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lebda et al. (United States Patent Number 6,385,594 B1).

Claim 2: Lebda et al. teach a method and system for coordinating a loan between an internet user and a plurality of lenders. Lebda et al. do not specifically disclose the set of unique lender characteristics includes a rate sheet. However, Lebda et al. do teach the selection of financial institutes based on the criteria provided by the financial institution (Abstract and Fig. 7-8). The Examiner takes Office Notice that including a rate as a part of criteria is old and well known in the art. It would have been obvious to one of ordinary skill in the art to modify Lebda

Art Unit: 3624

et al. to specifically include a rate for as part of the criteria because a rate is an integral part of the criteria in selecting a loan.

Claim 3: Lebda et al. teach a method and system for coordinating a loan between an internet user and a plurality of lenders. Lebda et al. do not specifically disclose the set of unique lender characteristics includes an eligibility matrix. However, Lebda et al. do teach the filtering process of financial institutes based on the criteria provided by the financial institution (Abstract and Fig. 7-8). The Examiner takes Office Notice that the filtering process is a functional equivalent of an eligibility matrix. It would have been obvious to one of ordinary skill in the art to modify Lebda et al. to specifically specifying the filtering process as an eligibility matrix because they achieve the same results.

Claim 5: Lebda et al. teach a method and system for coordinating a loan between an internet user and a plurality of lenders. Lebda et al. do not specifically disclose rates and prices. However, Lebda et al. do teach the selection of financial institutes based on the criteria provided by the financial institution (Abstract and Fig. 8). The Examiner takes Office Notice that including rates and prices as part of the filtering criteria is old and well known in the art. It would have been obvious to one of ordinary skill in the art to modify Lebda et al. to specifically include rates and prices as part of the criteria because rates and prices are integral parts of the criteria in selecting a loan.

Art Unit: 3624

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. United States Publication Number 6,014,645 is cited of interest.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sally Shih whose telephone number is 703-305-8550. The examiner can normally be reached on Flexible.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1065. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7658 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

sys
July 29, 2003


HANI M. KAZIMI
PRIMARY EXAMINER